

RECEIVED

MAR 17 1995

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Revision of the Commission's Rules)
to ensure compatibility with)
enhanced 911 emergency calling systems)

CC Docket No. 94-102

RM-8143

To: The Commission

DOCKET FILE COPY ORIGINAL

REPLY COMMENTS OF NEXTEL COMMUNICATIONS, INC.

NEXTEL COMMUNICATIONS, INC.

Robert S. Foosaner
Senior Vice President -
Government Affairs

Lawrence R. Krevor
Director - Government Affairs

Laura L. Holloway
General Attorney

Nextel Communications, Inc.
800 Connecticut Avenue, N.W.
Suite 1001
Washington, D.C. 20006
202-296-8111

Dated: March 17, 1995

No. of Copies rec'd 084
List A B C D E

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

DOCKET FILE COPY ORIGINAL

In the Matter of)	
)	
Revision of the Commission's rules)	CC Docket No. 94-102
to ensure compatibility with)	
enhanced 911 emergency calling systems)	RM-8143

To: The Commission

REPLY COMMENTS OF NEXTEL COMMUNICATIONS, INC.

I. INTRODUCTION

Nextel Communications, Inc. ("Nextel"), pursuant to Section 1.415 of the Federal Communications Commission's (the "Commission") Rules, hereby respectfully submits its Reply Comments in response to the Notice of Proposed Rule Making (the "NPRM") in the above-captioned proceeding.^{1/}

Approximately 70 parties, including Nextel, filed comments in this proceeding on January 9, 1995. All commenters generally support the Commission's goal of providing Enhanced 911 ("E911") services on wireless systems. There were divergent views, however, concerning the actual implementation of the E911 services -- how it will be accomplished and when it can be completed. Parties responsible for the actual implementation of the E911 services generally agreed that the Commission's implementation time frames are unrealistic and cannot be achieved.

II. BACKGROUND

Nextel is the largest provider of Specialized Mobile Radio ("SMR") and wide-area SMR services in the country. Nextel's wide-

^{1/} FCC 94-237, released October 19, 1994.

area SMR services provide users with two-way voice services, dispatch services and paging services all in a single handset, employing the Motorola Integrated Radio System ("MIRS") digital technology.

Nextel's wide-area SMR services and interconnected SMR services were classified as CMRS in the Commission's Second Report and Order in GN Docket No. 93-252.^{2/} Nextel also offers non-interconnected "dispatch" services as a private land mobile radio provider.

III. DISCUSSION

A. The Commission Must Ensure That Traditional Dispatch Services Are Not Subject To E911 Regulations.

Given the Commission's desire to require E911 capability on cellular systems and other systems upon which consumers have come to expect such services, Nextel reiterates that traditional SMR systems should be exempt from these requirements. Other parties, primarily those which provide these dispatch services, agree with this position.^{3/} Moreover, there was no opposition to this point. Traditional SMR services, which have limited or no interconnection to the Public Switched Telephone Network ("PSTN"), provide primarily dispatch-only communications and therefore result in

^{2/} Second Report and Order, 9 FCC Rcd 1411 (1994) at para. 90 ("CMRS Order"). In the Second Report and Order, the Commission defined a CMRS provider as one which provides services that are (1) for profit, (2) interconnected with the PSTN, and (3) provided to the public or a substantial portion thereof. Id. at para. 11.

^{3/} See Comments of E.F. Johnson Company ("E.F. Johnson") at p. 5; Geotek Communications, Inc. ("Geotek") at pp. 2-3; American Mobile Telecommunications Association ("AMTA") at pp. 4-6; and Personal Communications Industry Association ("PCIA") at pp. 5-6.

different customer expectations.^{4/} Dispatch communications users do not have the expectation that they can directly contact an E911 operator through their dispatch communications device. Rather, the user will rely on its ability to contact the dispatcher who can then, in turn, immediately contact the emergency personnel.

This distinction, as Nextel pointed out in its Comments, is particularly important where a service provider offers both traditional SMR services and ESMR services. Nextel will be providing both cellular-like telephone services and traditional fleet dispatch services. Accordingly, the Commission should not impose E911 obligations on those customers who choose only traditional dispatch services. The E911 rules should be limited to those services on which the consumer has come to expect E911 capabilities, i.e., cellular, ESMR, and prospectively Personal Communications Services.^{5/}

^{4/} See Comments of Geotek at p. 3.

^{5/} It is important to note that in the NPRM, the Commission established the need for imposing E911 requirements on wireless systems by citing only to the exponential growth in cellular use and the increasing number of 911 calls by cellular users. NPRM at pp. 9-10. Clearly, the need for emergency services has become a necessity on these telephone-like systems. The Commission made no mention of any need for E911 capabilities on dispatch systems.

B. Many Commenters Agree That, Given The Immature State Of Wireless E911 Technology, The Commission's Implementation Deadlines Are Unreasonable And Not Achievable.

The comments produced resounding support for the Commission's goal of implementing E911 service on wireless systems.^{6/} However, while supportive of this goal, numerous commenters recognized myriad obstacles. Due to the enormous amount of cooperation and coordination that will be required between and among all segments of the telecommunications industry and emergency services industry, several parties agreed that the Commission's implementation schedule is too ambitious.^{7/} Due to the broad range of parties and issues involved in effectively implementing E911 capability on wireless services, the Commission should not mandate strict implementation time frames.

Commenters also found the Commission's implementation schedule to be too ambitious in light of the immature stage of wireless E911 technology.^{8/} While many parties recognize that location

^{6/} See, e.g., Comments of AMSC Subsidiary Corporation ("AMSC") at p. 6; Anacortes Police Department at p. 2; Association of Public-Safety Communications Officials-International, Inc. ("APCO"), National Emergency Number Association ("NENA"), and National Association of State Nine One One Administrators ("NASNA") (collectively "APCO/NENA/NASNA") at pp. 30-33; AT&T at pp. 20-21; Cowlitz County Technical Services Center at p. 1; Motorola at pp. 4-5; and Northern Telecom, Inc. ("Northern Telecom") at p. 2.

^{7/} See, e.g., Comments of Alltel Mobile Communications, Inc. ("Alltel") at pp. 1, 4-6; Ameritech at p. 7; AT&T at pp. 23-24; Bellsouth at pp. 11-13; Cellular Telecommunications Industry Association ("CTIA") at pp. 17-18; Northern Telecom at p. 7; NYNEX at p. 13; and U.S. West at p. 2.

^{8/} See, e.g., Alltel at p. 3; CTIA at pp. 9-10; PCIA at pp. 13-17; and U.S. West at p. 15.

technologies are currently available, the commenters also recognize that each has its own problems which must be corrected. Moreover, none of these technologies has proven itself to be the most appropriate technology for implementation on all wireless systems.^{9/} Therefore, the Commission should not impose strict time frames on the industry at this time.^{10/} Rather, as Nextel proposed in its comments, the Commission should allow the participants -- wireless providers, local exchange carriers ("LECs"), and Public Safety Answering Point ("PSAP") providers -- to study the existing technologies and determine the most appropriate method for implementing E911 in the wireless network.

C. Numerous Commenters Oppose The Imposition Of Labelling Requirements On Wireless Equipment.

Several commenters opposed the Commission's proposal of labelling requirements on wireless equipment that cannot provide

^{9/} See Comments of C.J. Driscoll and Associates ("Driscoll") at p. 2; CTIA at pp. 13-14; Elert and Associates ("Elert") at p. 1 (each of the existing technologies has its own problems which must be ironed out before implementation); Northern Telecom at p. 47 (although there are several technologies available, the industry must determine which is the most effective); and State of New Jersey at p. 17 (the technologies are available, but the industry must determine which is the best).

^{10/} Several commenters overwhelmingly agreed that the Commission's three-step process for implementing user location identification technology would be inefficient and ineffective. See, e.g., Comments of AT&T at p. 30; CTIA at pp. 10-11; Ericsson Corporation at pp. 7-8; Northern Telecom at p. 56; Pacific Bell, Nevada Bell, and Pacific Bell Mobile Services at p. 5; PCIA at pp. 14-15; and SBC Communications and Southwestern Bell Mobile Systems ("Southwestern Bell") at pp. 16-17.

E911 services.^{11/} The confusion that could be generated by the label, the potential liability it would create, and the cost associated with labelling equipment (particularly if existing equipment is not grandfathered) is not justified by the limited benefit provided consumers.

A bill insert, a provision in the instruction manual, or a clause in the service contract would adequately warn consumers of the unit's limited 911 usefulness while lessening the likelihood of consumer confusion, cutting down on the cost of informing consumers, and reducing the potential for liability. Since the Commission can achieve its goal of informing and educating consumers about the current availability of 911 on wireless services through these mechanisms, it should not impose these unnecessary labelling requirements.

D. Commenters Expressed Significant Support For A Cost Recovery Mechanism and Preemption of State Laws.

The enormous task of implementing E911 on wireless systems will likely prove to be a very expensive undertaking. Therefore, numerous commenters expressed their concern about the need for cost recovery, and many supported the initiation of a separate Commission proceeding to determine appropriate cost recovery

^{11/} See, e.g., Comments of AT&T at p. 40; Caddo Parish Communications District No. 1 at pp. 7-8; CTIA at p. 22; Motorola at p. 26; North American Telecommunications Association at pp. 16-17; Northern Telecom at p. 52; PCIA at pp. 25-26; Rural Cellular Association at p. 11; and Southwestern Bell at pp. 23-24.

methodologies.^{12/} Given the expense that will undoubtedly be involved in implementing these complex technologies and providing E911 capabilities, all participants should be allowed to recover these costs through appropriate means.

There was similar agreement among commenters that the Commission must ensure a consistent standard for wireless E911 services. Setting national standards and preempting inconsistent state laws will be essential to providing E911 services throughout the country, particularly in light of users' ability to roam from system to system.^{13/} If the Commission allows states to implement their own E911 standards and regulations, there is a potential for varying technologies and capabilities, resulting in providers' inability to provide E911 access to their customers throughout different jurisdictions. Therefore, nationwide wireless E911 capabilities are dependent upon the Commission's preemption of inconsistent state 911 laws and regulations.

IV. CONCLUSION

As nearly every commenter agreed, wireless E911 service is an important and necessary goal, and one which must be achieved on a

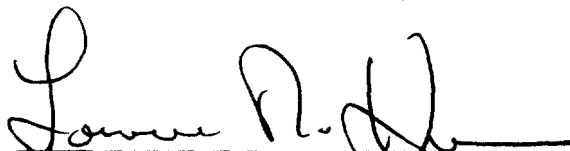
^{12/} See Comments of Ameritech at p. 7 (recognizing the potential problem of cost recovery); AT&T at pp. 42-43; Bell Atlantic at p. 12; BellSouth at pp. 20-21; GTE Service Corporation at pp. 31-32; North American Telecommunications Association at pp. 19-21; Northern Telecom at p. 62; PCIA at p. 28; and Rural Cellular Association at p. 9.

^{13/} See, e.g., Comments of APCO/NENA/NASNA at p. 52; GE Capital-Rescom at pp. 13-14; Northern Telecom at pp. 19-21; PCIA at p. 27; Redcom Laboratories, Inc. at p. 19; Southwestern Bell at pp. 26-27; Secretary of Defense at pp. 12-13; State of Washington at pp. 9-10; and Telecommunications For the Deaf, Inc. at p. 5.

uniform, national basis. However, the unique nature of wireless services means that the implementation of wireless E911 service will be a more challenging, time-consuming and expensive task than it has been on wireline systems. As recognized by several commenters (primarily those who will be required to implement the technology on their systems), the Commission's E911 objectives cannot be achieved within the deadlines proposed in the NPRM. Overcoming the technological issues will require significant coordination and cooperation among the CMRS community, the emergency services community, and LECs, and will be both time-consuming and expensive. Thus, rather than imposing specific deadlines for compliance, the Commission should act as a facilitator of the implementation process, allow the industry to develop the necessary technology, and then allow the participants to recover the costs of implementing the technology upgrades.

Respectfully submitted,

NEXTEL COMMUNICATIONS, INC.



Robert S. Foosaner
Senior Vice President -
Government Affairs

Lawrence R. Krevor
Director - Government Affairs

Laura L. Holloway
General Attorney

Nextel Communications, Inc.
800 Connecticut Avenue, N.W.
Suite 1001
Washington, D.C. 20006
202-296-8111

Dated: March 17, 1995